

DATE: 1/25/2008 CASE NUMBER: 08-15146M-001

USA vs. Rogelio Martinez-Castro

CLOSED

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Marcia Resler
LANGUAGE Spanish

Attorney for Defendant Juan Rocha (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 1/23/08 ☐ Initial Appearance ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be _____. Further proceedings ORDERED
in Defendant's true name.

DETENTION HEARING:

- ☐ Held ☐ Con't ☐ Submitted ☐ Reset
Set for:
Before:
☐ Defendant ordered temporarily detained in the
custody of the United States Marshal
☐ Defendant ordered released _____
☐ Defendant continued detained pending trial
☐ Flight risk ☐ Danger

IDENTITY HEARING:

- ☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Warrant of removal issued.

PRELIMINARY HEARING:

- ☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Probable cause found ☐ Dismissed
☐ Held to answer before District Court

STATUS HEARING: re: Plea and Sentence

- ☒ Held ☐ Con't ☐ Reset
Set for:
Before:

Other: Senior Patrol Agent Chris Cantua, on behalf of the Government, orally moves to dismiss this Complaint.
Defense counsel has no objection. Motion is granted. Case closed.

Recorded by Courtsmart (4 Min)
BY: Jocelyn M. Arviso
Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Rogelio MARTINEZ-Castro

Citizen of Mexico

YOB: 1976

A77 222 263

Illegal Alien

Amended

CRIMINAL COMPLAINT

CASE NUMBER: **08-15146M-SD**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about February 8, 2006, Defendant Rogelio MARTINEZ-Castro was arrested and removed from the United States to Mexico through the port of San Luis, Arizona, in pursuance of law, and thereafter on or about January 23, 2008, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about January 23, 2008, within the Southern District of California, Defendant Rogelio MARTINEZ-Castro, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

January 25, 2008

Date

at

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

Signature of Complainant

Chris Cantua

Senior Patrol Agent

STATEMENT OF FACTUAL BASIS

Defendant: Rogelio MARTINEZ-Castro

Dependents: None

IMMIGRATION HISTORY: The Defendant was last removed through San Luis, Arizona on February 8, 2006 and has been apprehended by the Border Patrol on seven separate occasions.

CRIMINAL HISTORY:

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
None Found		

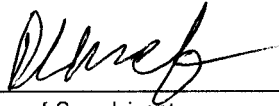
Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on January 23, 2008.

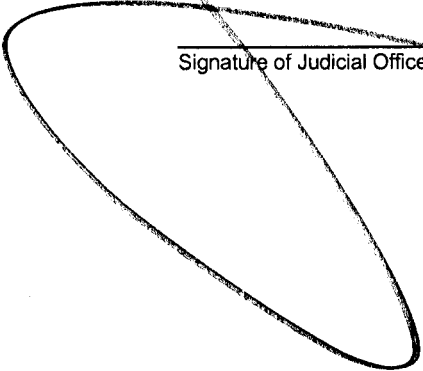
Charges: 8 USC§1326 (Felony)
8 USC§1325 (Misdemeanor)



Signature of Complainant

Sworn to before me and subscribed in my presence,

January 25, 2008
Date



Signature of Judicial Officer